



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,835	11/13/2003	Toshikazu Morisawa	04329.3176	7845
22852	7590	07/01/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER CONNOLLY, MARK A	
			ART UNIT	PAPER NUMBER
			2115	
			MAIL DATE	DELIVERY MODE
			07/01/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,835

Applicant(s)

MORISAWA, TOSHIKAZU

Examiner

MARK CONNOLLY

Art Unit

2115

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 13, 17 and 18 is/are pending in the application.
4a) Of the above claim(s) 18 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 13 and 17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-85/86)
Paper No(s)/Mail Date 3/10/08
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-4, 13 and 17-18 have been presented for examination.
2. Applicant's arguments with respect to claims 1-4, 13 and 17-18 have been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

3. Newly submitted claim 18 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: In particular, the operation modes claimed related to turning on/off or controlling the speed of a monitor, hard disk drive or optical disk drive. The claims did not detail that the operation modes instead either allowed or inhibited the usage of external power or charging of an internal battery.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 18 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 18 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In

particular, the specification does not detail three separate power modes wherein a first power mode allows external power usage, a second power mode allowing external power usage but inhibiting charging an internal battery, and a third mode inhibiting both external power usage and charging the internal battery.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 1 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugahara¹.
8. Referring to claim 1, Sugahara teaches the apparatus comprising:
 - a. an operating mode setting unit configured to set the operation modes [col. 5 lines 43-48].
 - b. a time zone setting unit configured to set a time zone information for carrying out each operation mode of the electronic apparatus [col. 12 lines 46-50]. In particular, Sugahara teaches managing the setting and management of the power save modes. It is therefore interpreted that the server comprises a time setting unit for setting times associated with the different operation modes. This interpretation is further apparent in fig. 11 wherein the different clients set different operating modes at different times. This leads to the interpretation that the scheduling of the different operation modes are not static and that different operation modes are set in accordance with a time deemed to be appropriate.

¹ As cited in a previous office action.

- c. an operation mode acquisition and determination unit configured to acquire a current operation mode and to determine whether or not the current operation mode acquired by the operation mode acquisition unit corresponds to a desired operation mode, based upon the time zone information set by the time zone setting unit [col. 6 line 66- col. 7 line 8 and col. 7 lines 20-28]. In particular, when changing over to a scheduled power save operation mode, status information is received representing a current operation mode. If it is determined that the current operation mode does not correspond to a desired operation mode (i.e. the scheduled power save operation mode) a reissue of the power save mode control is made to change to the desired power save operation mode.
- d. a control unit configured to carry out an operation mode changeover to set the desired operation mode if the operation mode determination unit determines that the current operation mode does not correspond to the desired operation mode [col. 5 lines 60-63 and col. 7 lines 13-19].
9. Referring to claim 13, this is rejected on the same basis as set forth hereinabove. Sugahara teaches the apparatus and therefore teaches the method performed by the apparatus.

Claim Rejections - 35 USC § 103

10. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugahara as applied to claims 1 and 13 above, and further in view of Microsoft, Use Power Schemes for the Tablet PC².
11. Referring to claims 2 and 3, although Sugahara teaches operating in a low power mode during scheduled times, it is not explicitly taught how the system reduces its power consumption.

² As cited in a previous office action.

Microsoft explicitly teaches turning off a monitor and/or hard drive in a power conservation mode when no operation of the computer is made beyond a time period shorter than a time period when not in a power conservation mode [page 3]. Because Sugahara is concerned with adjusting a systems power consumption in accordance with a schedule, it would have been obvious to one of ordinary skill in the art to adjust the time periods between turning off a monitor and hard disk during a power save mode because Microsoft teaches that this will optimize power performance within the computer system [page 1].

12. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugahara as applied to claims 1 and 13 above, and further in view of Nakai³.

13. Referring to claim 4, although Sugahara teaches operating in a low power mode during scheduled times, it is not explicitly taught how the system reduces its power consumption. Nakai explicitly teaches that power can be conserved in a power saving mode by reducing a disk rotation speed [col. 18 lines 12-20]. Because Sugahara is concerned with adjusting a systems power consumption in accordance with a schedule, it would have been obvious to one of ordinary skill in the art to reducing a disk rotation speed during a power save mode so that power consumption can be minimized.

14. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugahara as applied to claims 1 and 13 above, and further in view of Shimada⁴.

³ As cited in a previous office action.

⁴ As previously cited by applicant but translation provided by examiner.

15. Referring to claim 17, although Sugahara teaches a normal operation mode and a power save mode, it is not explicitly taught to have a silence operation mode. Shimada teaches operating a system in a silence mode [0007 and 0009]. It would have been obvious to include the silence mode taught by Shimada into the Sugahara system because it would allow the power controlled systems to be placed in low power modes which are sensitive to conditions during times "which must be made quiet, such as night."

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MARK CONNOLLY** whose telephone number is (571)272-3666. The examiner can normally be reached on M-F 8AM-5PM (except every first Friday).

Art Unit: 2115

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Connolly/
Primary Examiner, Art Unit 2115
6/26/08

Mark Connolly
Primary Examiner
Art Unit 2115